



Registration and Regulation Committee

Adopted in House Comm. on Jul 11, 2007

09500SB0128ham002

LRB095 05003 RAS 37281 a

1 AMENDMENT TO SENATE BILL 128

2 AMENDMENT NO. _____. Amend Senate Bill 128 on page 29,
3 immediately below line 3, by inserting the following:

4 "Section 15. If and only if House Bill 820 of the 95th
5 General Assembly (as amended by Senate Amendment No. 1) becomes
6 law, the Carnival and Amusement Rides Safety Act is amended by
7 changing Sections 2-2 and 2-20 as follows:

8 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

9 Sec. 2-2. Definitions. As used in this Act, unless the
10 context otherwise requires:

11 1. "Director" means the Director of Labor or his or her
12 designee.

13 2. "Department" means Department of Labor.

14 3. "Amusement Attraction" means an enclosed building or
15 structure, including electrical equipment which is an integral
16 part of the building or structure, through which people walk

1 without the aid of any moving device, that provides amusement,
2 thrills or excitement at a fair or carnival, except any such
3 enclosed building or structure which is subject to the
4 jurisdiction of a local building code.

5 4. "Amusement ride" means:

6 (a) any mechanized device or combination of devices,
7 including electrical equipment which is an integral part of
8 the device or devices, which carries passengers along,
9 around, or over a fixed or restricted course for the
10 primary purpose of giving its passengers amusement,
11 pleasure, thrills, or excitement;

12 (b) any ski lift, rope tow, or other device used to
13 transport snow skiers;

14 (c) (blank);

15 (d) any dry slide over 20 feet in height, alpine slide,
16 or toboggan slide;

17 (e) any tram, open car, or combination of open cars or
18 wagons pulled by a tractor or other motorized device which
19 is not licensed by the Secretary of State, which may, but
20 does not necessarily follow a fixed or restricted course,
21 and is used primarily for the purpose of giving its
22 passengers amusement, pleasure, thrills or excitement, and
23 for which an individual fee is charged or a donation
24 accepted with the exception of hayrack rides; or

25 (f) any bungee cord or similar elastic device.

26 5. "Carnival" means an enterprise which offers amusement or

1 entertainment to the public by means of one or more amusement
2 attractions or amusement rides.

3 6. "Fair" means an enterprise principally devoted to the
4 exhibition of products of agriculture or industry in connection
5 with which amusement rides or amusement attractions are
6 operated.

7 7. "Operator" means a person, or the agent of a person, who
8 owns or controls or has the duty to control the operation of an
9 amusement ride or an amusement attraction at a carnival or
10 fair. "Operator" includes an agency of the State or any of its
11 political subdivisions.

12 8. "Carnival worker" means a person who is employed by a
13 carnival or fair to manage, physically operate, or assist in
14 the operation of an amusement ride or amusement attraction when
15 it is open to the public ~~and who is not a volunteer.~~

16 (Source: P.A. 94-801, eff. 5-25-06; 95HB0820sam001.)

17 (430 ILCS 85/2-20)

18 Sec. 2-20. Employment of carnival workers.

19 (a) Beginning on January 1, 2008, no person, firm,
20 corporation, or other entity that owns or operates a carnival
21 or fair shall employ a carnival worker who (i) has been
22 convicted of any offense set forth in Article 11 of the
23 Criminal Code of 1961, (ii) is a registered sex offender, as
24 defined in the Sex Offender Registration Act, or (iii) has ever
25 been convicted of any offense set forth in Article 9 of the

1 Criminal Code of 1961.

2 ~~Any person, firm, corporation, or other entity that owns or~~
3 ~~operates a carnival and knowingly violates the provisions of~~
4 ~~this subsection (a) shall be assessed a civil penalty in an~~
5 ~~amount not less than \$1,000 and not more than \$5,000 for a~~
6 ~~first offense, and not less than \$5,000 and not more than~~
7 ~~\$10,000 for a second or subsequent offense.~~

8 (b) ~~A~~ ~~In the interest of compliance with the requirements~~
9 ~~of this Section, a~~ person, firm, corporation, or other entity
10 that owns or operates a carnival or fair must conduct a
11 criminal history records check for ~~each~~ carnival workers at the
12 time they are hired ~~worker in its employ~~ consistent with the
13 Illinois Uniform Conviction Information Act and perform a check
14 of the Sex Offender Registry ~~maintained by the Department of~~
15 ~~State Police for each carnival worker in its employ.~~

16 In the case of carnival workers who are hired on a
17 temporary basis to work at a specific event, the carnival or
18 fair owner may work with local enforcement agencies in order
19 expedite the criminal history records check required under this
20 subsection (b).

21 Individuals who are under the age of 17 are exempt from the
22 criminal history records check requirements set forth in this
23 subsection (b).

24 (c) Any person, firm, corporation, or other entity that
25 owns or operates a carnival or fair must have a substance abuse
26 policy in place for its workers, which shall include random

1 drug testing of carnival workers.

2 (d) Any person, firm, corporation, or other entity that
3 owns or operates a carnival or fair that violates the
4 provisions of subsection (a) of this Section or fails to
5 conduct a criminal history records check or a sex offender
6 registry check for carnival workers in its employ, as required
7 by subsection (b) of this Section, shall be assessed a civil
8 penalty in an amount not to exceed \$1,000 for a first offense,
9 not to exceed \$5,000 for a second offense, and not to exceed
10 \$15,000 for a third or subsequent offense. The collection of
11 these penalties shall be enforced in a civil action brought by
12 the Attorney General on behalf of the Department.

13 (e) A carnival or fair owner is not responsible for:

14 (1) any personal information submitted by a carnival
15 worker for criminal history records check purposes; or

16 (2) any information provided by a third party for a
17 criminal history records check or a sex offender registry
18 check.

19 A carnival or fair owner shall not be liable to any
20 employee in carrying out the requirements of this Section.

21 (Source: 95HB0820sam001.)".